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January 7, 2020

Via Email – ejohnston@mcginnislaw.com

Mr. Eric A. Johnston
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Via Email – e.magee@allison-bass.com

Mr. J. Eric Magee
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Via Email – cass.weiland@sqwirepb.com

Mr. S. Cass Weiland
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2000 McKinney Ave., Suite 1700
Dallas, TX 75201

Via Email – csmith@danielstarklaw.com

Cory W. Smith
Daniel Stark Law, PC
P.O. Box 1153
Bryan, Texas 77806

RE: *John Fairchild and Susie Fairchild, individually, and as Independent Administrators of, an on behalf of, the Estate of Kelli Leanne Page and the heirs-at-law of Kelli Leanne Page v. Coryell County, Texas, Steven Russell Lovelady, and Wesley Harland Pelfrey; Civil Action No. 6:19-cv-00029; in the United States District Court for the Western District of Texas, Waco Division.*

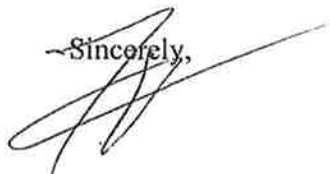
Dear Counsel:

I did not receive a response to my December 23, 2019 letter regarding my intent to take depositions of Cheryl Pruitt and Tyrell Washington. Therefore, I assume that they would be available on the same date that I will be taking the second deposition of Coryell County. I attach notices for depositions of Cheryl Pruitt and Tyrell Washington, and an amended notice for the deposition of Coryell County. Therefore, the following depositions have been scheduled:

Name	Time	Date	Location
Washington, Tyrell	9:00 a.m.	Tuesday, January 28, 2020	Coryell County Attorney's Office, 210 South 7 th Street, Gatesville, Texas 76528
Pruitt, Cheryl	10:30 a.m.	Tuesday, January 28, 2020	Coryell County Attorney's Office, 210 South 7 th Street, Gatesville, Texas 76528
Coryell County, Texas	1:30 p.m.	Tuesday, January 28, 2020	Coryell County Attorney's Office, 210 South 7 th Street, Gatesville, Texas 76528

Please notify me as soon as possible as to whether Ms. Pruitt and Mr. Washington will need to be subpoenaed to appear.

~~Sincerely,~~

A handwritten signature in black ink, appearing to be 'T. Dean Malone', written over the word 'Sincerely,'.

T. Dean Malone

TDM/cmr
Attachment

cc: Court Reporters Consolidated

JOHN FAIRCHILD and SUSIE FAIRCHILD, individually, and as Independent Administrators of, and on behalf of, the ESTATE OF KELLI LEANNE PAGE and the heirs-at-law of KELLI LEANNE PAGE,

CASE NO. 6:19-CV-00029-ADA-JCM

JURY DEMANDED

Defendants.

TO: All Defendants by and through their respective attorneys of record.

T. Dean Malone, attorney for Plaintiff in the above-described case, will take the following oral deposition:

Deponent's Name: Cheryl Pruitt

Location: Coryell County Attorney's Office, 210 South 7th Street, Gatesville, Texas 76528

Date and Time: Tuesday, January 28, 2020 at 10:30 a.m. and continuing from day to day until complete

Recording: Stenographically by the court reporter, and by audio and video.

Respectfully submitted,



T. Dean Malone
Attorney-in-charge
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Of Counsel:

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Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

I certify that my office served a copy of this document on the following parties' respective attorneys in charge via email and facsimile-transmission on January 7, 2020.

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T. Dean Malone

JOHN FAIRCHILD and SUSIE FAIRCHILD, individually, and as Independent Administrators of, and on behalf of, the ESTATE OF KELLI LEANNE PAGE and the heirs-at-law of KELLI LEANNE PAGE,

CASE NO. 6:19-CV-00029-ADA-JCM

JURY DEMANDED

Defendants.

TO: All Defendants by and through their respective attorneys of record.

Deponent's Name: Tyrell Washington

Location: Coryell County Attorney's Office, 210 South 7th Street, Gatesville, Texas 76528

Date and Time: Tuesday, January 28, 2020 at 9:00 a.m. and continuing from day to day until complete

Recording: Stenographically by the court reporter, and by audio and video.

Respectfully submitted,



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Attorneys for Plaintiff

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JOHN FAIRCHILD and SUSIE FAIRCHILD, individually, and as Independent Administrators of, and on behalf of, the ESTATE OF KELLI LEANNE PAGE and the heirs-at-law of KELLI LEANNE PAGE,

CASE NO. 6:19-CV-00029-ADA-JCM

v.

Defendants.

First Amended Second Notice to Take Oral Deposition of Defendant Coryell County, Texas (Phase 2 Discovery Period)
- Page 1 of 6

writings or recordings of any type or nature, in the possession, custody, or control of the party responding to the discovery request.

“File” means a collection or group of documents and tangible items kept together in folders, notebooks, or other devices for separating or organizing documents and tangible items.

“Incident” means the October 8, 2017 interaction between Kelly Page, Steven Lovelady, and Wesley Pelfrey in a jail cell in Coryell County, Texas, at the conclusion of which Kelli Page died.

“Jail Building” means the building in which the Incident occurred.

“Mental Disability” means:

- mental impairment that substantially limits one or more major life activities of an individual; or
- a record of mental impairment that substantially limits one or more major life activities of an individual; or
- being regarded as having a mental impairment that substantially limits one or more major life activities of an individual.

“Person” means any natural person, corporation, limited liability company, form, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity.

“Prior Use of Force Incident” means the October 7, 2017 interaction between Kelli Page, Steven Lovelady, and Tyrell Washington in a jail cell in Coryell County, Texas, at the conclusion of which Kelli Page was removed from the cell.

“Steven Lovelady” means Defendant Steven Russell Lovelady.

“Wesley Pelfrey” means Defendant Wesley Harland Pelfrey.

“You” and “Your” means Coryell County.

The deposition will be on the following topics:

- 1) All of Plaintiff’s allegations in the latest amended complaint regarding:
 - your policies, practices, and/or customs;
 - allegations regarding actions you took and/or did not take;
 - Prior Use of Force Incident; and
 - Incident;

- 2) The Incident and the Prior Use of Force Incident;
- 3) All documents, emails, photographs, digital images, audio recordings, and video recordings related to the Prior Use of Force Incident and/or the Incident:
 - you produced with discovery responses in this case;
 - you produced to Plaintiff's counsel in response to Public Information Act requests made on or after January 1, 2018;
 - you produced to any governmental body or agency (including but not limited to Texas Department of Public Safety, Texas Rangers, any district attorney's office, and/or any county attorney's office); and/or
 - which you made and/or caused to be made and which were ever in your possession;
- 4) All documents, emails, photographs, digital images, audio recordings, and video recordings regarding the incarceration of Kelli Page in the Jail Building on October 2017 which:
 - you produced with discovery responses in this case;
 - you produced to Plaintiff's counsel in response to Public Information Act requests made on or after January 1, 2018;
 - you produced to any governmental body or agency (including but not limited to Texas Department of Public Safety, Texas Rangers, any district attorney's office, and/or any county attorney's office); and/or
 - which you made and/or caused to be made and which were ever in your possession;
- 5) All documents, emails, photographs, digital images, audio recordings, and video recordings regarding all communications by and between your law enforcement officers, jailers, jail administrators, and jail staff, regarding Kelli Page, when she was a prisoner in the Jail Building in October 2017;
- 6) Your discovery responses in this lawsuit, served on or after December 2, 2019, including documents, photographs, and recordings produced, but excluding objections and/or privilege assertions;
- 7) All training and instruction you contend Steven Lovelady and/or Wesley Pelfrey received before the date of the Incident regarding use of OC spray, use of restraint chairs, and/or extracting (or removing) prisoners from cells;
- 8) Audio recordings, video recordings, and photographs of any portion of the Incident and/or Prior Use of Force Incident;
- 9) Your factual admissions, factual denials, factual assertions, and assertions that you lack knowledge or information sufficient to for a belief as to the truth of factual

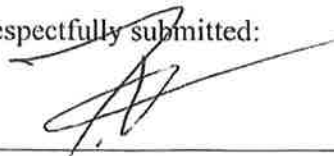
allegations made by the Plaintiff in her complaint, and which were made by you in your answer(s) in this lawsuit;

- 10) The factual basis for your defenses to, and your allegations and contentions in and related to, Plaintiff's claims in this lawsuit;
- 11) Your data retention policies effective on the date of the Incident for items including but not limited to documents, audio recordings, video recordings, e-mails, and records of mobile data terminal transmissions;
- 12) Documents, photographs, recordings, electronic files, and tangible items produced to you by Plaintiff in this lawsuit (excluding medical records and medical bills);
- 13) Your employment, hiring, supervision, training, and termination of Steven Russell Lovelady and Wesley Harland Pelfrey; and
- 14) Any change in policy, procedure, or practice instituted by you as a result of the Incident as a result of the Incident and/or Prior Use of Force Incident.

You must - a reasonable time before the deposition - (1) designate one or more English-speaking individuals to testify on your behalf and (2) set forth, for each individual designated, the matters on which the individual will testify. Further, each individual designated must testify as to matters known or reasonably available to you.

The deposition will continue from day-to-day until completed. A court reporter shall record the deposition stenographically, and the deposition shall be recorded by audio and video.

Respectfully submitted:



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Dallas, Texas 75201
Attorney for Defendant Wesley Pelfrey

Cory W. Smith
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P.O. Box 1153
Bryan, Texas 77806
Attorney for Intervenor Tiffany Gruwell

A handwritten signature in black ink, appearing to be 'T. Dean Malone', written over a horizontal line.

T. Dean Malone